

Introduced by Senator Gaines

February 14, 2013

An act to amend Section 36101 of the Vehicle Code, relating to farm vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 273, as introduced, Gaines. Farm vehicles: registration exemptions.

Existing law exempts specified farm vehicles from registration if they have and display an identification plate, including a cotton module mover and a vehicle equipped with a water tank owned by a farmer and used exclusively to service his or her own implements of husbandry.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 36101 of the Vehicle Code is amended
- 2 to read:
- 3 36101. The following farm vehicles are exempt from
- 4 registration, if they have and display an identification plate as
- 5 specified in Section 5014, and the vehicles shall not be deemed to
- 6 be implements of husbandry and they shall be subject to all
- 7 equipment and device requirements as if registered:
- 8 (a) A motor vehicle of a size so as to require a permit under
- 9 Section 35780 owned and operated by a farmer, designed and used
- 10 exclusively for carrying, or returning empty from carrying, feed

1 and seed products of farming, and used on a highway between one
2 part of a farm to another part of that farm or from one farm to
3 another farm.

4 (b) A vehicle equipped with a water tank owned by a farmer
5 and used exclusively to service his or her own implements of
6 husbandry.

7 (c) A water tank truck that is owned by a farmer, not operated
8 for compensation, and used extensively in the conduct of
9 agricultural operations, when used exclusively (1) for sprinkling
10 water on dirt roads providing access to agricultural fields or (2)
11 transportation of water for irrigation of crops or trees.

12 (d) (1) A cotton module mover, as defined in Section 36012.

13 (2) In order to maintain the exemption from registration granted
14 under this subdivision for a truck tractor, when combined with a
15 semitrailer, the owner of that truck tractor shall not operate it during
16 the exemption period in any manner other than as a cotton module
17 mover, as defined in Section 36012, and shall do all of the
18 following:

19 (A) Register the vehicle with the department before operating
20 it as a commercial motor vehicle.

21 (B) Apply to the department on a yearly basis for any renewal
22 of the exemption from registration.

23 (3) Exemption from registration under this subdivision does not
24 exempt a truck tractor, when combined with a semitrailer, operating
25 as a cotton module mover pursuant to Section 36012 ~~and~~, *nor does*
26 *it exempt* this subdivision from the applicable safety requirements
27 of this code or any regulation adopted pursuant to any statute,
28 including, but not limited to, equipment standards, driver licensing
29 requirements, maximum driving and on-duty hours provisions, log
30 book requirements, drug and alcohol testing, maintenance of
31 vehicles, and any driver or vehicle standards specified in Division
32 14.8 (commencing with Section 34500).

33 (4) Truck tractors exempt from registration under this
34 subdivision are subject to the fees imposed under Sections 9250,
35 9250.8, and 9250.13, and to any other vehicle fees that are imposed
36 by statute on or after January 1, 1998, that are deposited in the
37 Motor Vehicle Account.

38 (e) A trailer that is equipped with a plenum chamber for the
39 drying of agricultural commodities.

1 (f) Except as provided in subdivision (j) of Section 36005, a
2 trap wagon, as defined in Section 36016, that is equipped with a
3 fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000
4 gallons total capacity.

5 (g) A forklift truck, operated by a farmer not for compensation.
6 For purposes of this section, a hay-squeeze shall be deemed a
7 forklift.

8 (h) A truck tractor or truck tractor and semitrailer combination
9 specified in this subdivision that is owned by a farmer and operated
10 on the highways only incidental to a farming operation and not for
11 compensation. This subdivision applies only to truck tractors with
12 a manufacturer's gross vehicle weight rating over 10,000 pounds
13 that are equipped with all-wheel drive and off-highway traction
14 tires on all wheels, and only to semitrailers used in combination
15 with that truck tractor and exclusively in the production or
16 harvesting of melons. The vehicles specified in this subdivision
17 shall not be operated in excess of 25 miles per hour on the
18 highways.

19 The Commissioner of the California Highway Patrol may, by
20 regulation, prohibit the vehicles specified in this subdivision from
21 operating on specific routes. These vehicles shall not be operated
22 laden on the highway for more than two miles from the point of
23 origin and shall not be operated for more than 30 miles unladen
24 on the highway from the point of origin. These vehicles shall not
25 be operated for more than 15 miles unladen on the highway from
26 the point of origin; unless accompanied by an escort vehicle to the
27 front; and an escort vehicle to the rear.

28 (i) (1) A motor vehicle specifically designed for, and used
29 exclusively in, an agricultural operation for purposes of carrying,
30 or returning empty from carrying, silage that is operated by a
31 farmer, an employee of the farmer, or a contracted employee of
32 the farmer between one part of a farm to another part of that farm
33 or from one farm to another farm, on a highway for a distance not
34 to exceed 20 miles from the point of origin of the trip. This
35 subdivision does not include a vehicle that is used for the
36 transportation of silage for retail sales.

37 For

- 1 (2) *For* the purposes of this subdivision, “silage” includes field
- 2 corn, sorghum, grass, legumes, cereals, or cereal mixes, either
- 3 green or mature, converted into feed for livestock.